

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

24-CV-38-LJV

\$180,000 UNITED STATES CURRENCY,

Defendant *in rem*.

**DECLARATION IN SUPPORT OF MOTION FOR
JUDGMENT BY DEFAULT AND ORDER OF FORFEITURE**

State of New York)
County of Erie) ss:
City of Buffalo)

ELIZABETH M. PALMA, declares, states as follows:

1. I am an Assistant United States Attorney for the Western District of New York and assigned to my office's file concerning this action. I am familiar with the file, records and pleadings in this matter. This Affidavit is submitted in support of the Plaintiff's request that a Judgment by Default and Order of Forfeiture be entered against the Defendant *in rem*, \$180,000 United States currency (hereinafter "Defendant Currency") pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.").

2. On January 9, 2024, this action was commenced by the filing of a Verified Complaint for Forfeiture against the Defendant Currency pursuant to Title 21, United States Code, Section 881(a)(6). *See* ECF No. 1.

3. On January 12, 2024, an Arrest Warrant *in Rem* was issued by the Clerk of Court (“Arrest Warrant”). The United States Marshals Service executed the Arrest Warrant upon the Defendant Currency and filed the executed Arrest Warrant with the Court on February 1, 2024. *See* ECF No. 4.

4. On January 23, 2024, pursuant to Rule G(4)(b)(i) of the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rule”), a copy of the Verified Complaint, Arrest Warrant *in Rem* and Notice of Forfeiture Action was mailed *via* regular and certified mail to a potential claimant. *See* Certificate of Service, ECF No. 3. The same documents were sent via electronic mail and certified mail to the attorney representing the potential claimant. *Id.* Pursuant to Supplemental Rule G(5)(a)(ii)(A) and Title 18, United States Code, Section 983(a)(4)(A), the deadline for the potential claimant to file a claim was February 27, 2024.

5. Notice of this action was published on an official internet government site (www.forfeiture.gov) for at least 30 consecutive days, beginning on January 20, 2024, in accordance with Supplemental Rule G(4)(a)(iv)(C). *See* Declaration of Publication, ECF No. 5. Such notice stated that any person claiming a legal interest in the Defendant Currency must file a verified claim with the court within 60 days from the first day of publication pursuant to Supplemental Rule G(5) and Title 18, United States Code, Section 983(a)(4)(A). *Id.* The deadline for claims in response to the published notice was March 20, 2024.

6. To date, no verified claims to the Defendant Currency have been filed, and the time to do so has expired. To date, no requests for extensions of time to file a claim with respect to the Defendant Currency has been filed with the Court.

7. On April 4, 2024, pursuant to Fed. R. Civ. P. 55(a), the Clerk of Court issued an Entry of Default, certifying that no person has filed a claim or answer or otherwise move with respect to the Defendant Currency. *See* ECF No. 9.

8. Plaintiff has no reason to believe that any person having an interest in the Defendant Currency is an infant, incompetent, or currently enlisted, warranted, or commissioned in military service and unable to respond to these proceedings.

WHEREFORE, the Plaintiff respectfully requests that the Court enter a Judgment by Default and Order of Forfeiture against the Defendant Currency in accordance with Fed. R. Civ. P. 55(b)(2).

The undersigned declares under penalty of perjury, pursuant to Title 28, United States Code, Section 1746, that the foregoing is true and correct to the best of her knowledge, information and belief.

DATED: Buffalo, New York, April 11, 2024.

TRINI E. ROSS
United States Attorney
Western District of New York

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